IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1574 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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V. D. DESHMUKH

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1574 of 1988

MR IS SUPEHIA for Petitioner No. 1

MR LR PUJARI AGP for Respondents.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 21/06/2002

ORAL JUDGEMENT

Heard the learned counsel for the parties. This petition has been filed for quashing and setting aside the order dated 9.7.1987 in so far as it relates to the police constables working in SRP group-IX and for a direction to exclude constables of SRP group-IX from the applicability of Gujarat Government Servants (Lower Standard and Higher

Standard Gujarati Language Examination) Rules, 1970 as also the Hindi examination prescribed by Government Resolution dated 20.9.1967. Vide interim order dated 6-4-1988 of this Court, the petitioner was directed to appear at every Gujarati examination till he passed. The learned counsel for the petitioner states that the petitioner has appeared in the examination and he has passed the examination. Accordingly, he has also been given increments which were not released by the impugned order dated 9.7.1987. As such, this petition has become infructuous in view of the fact that the petitioner has appeared in the examination and he has also passed the relevant examination and the increments which were withheld have been released to him.

2. In view of this fact, this petition has become infructuous and is disposed of as having become infructuous. If the statement of the learned counsel for the petitioner is correct, then no further recovery of the amount already paid as increment shall be made. Rule is made absolute to the aforesaid extent with no order as to costs.

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